
The Mandan City Commission met in regular session at 5:30 p.m. on June 18, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling and Commissioners Braun, Davis, Larson and Rohr. Department Heads present were, Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Assessor Markley, Director of Public Works Bitz, Planning & Engineering Director Froseth, Principal Planner Van Dyke, Attorney Oster and Deputy Chief Flaten. Absent: Human Resource Director Cullen, Police Chief Ziegler, Building Official Ouradnik, Business Development and Communications Director Huber.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the June 4, 2019 Board of City Commission regular meeting.* Commissioner Larson moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*

BANK OF NORTH DAKOTA - 83,733.03; BEAVER CREEK TREE SERVIC - 1,600.00; BIS-MAN AREA CHABR OF CO - 28,750.00; BIS-MAN CONVTN & VISITOR - 1,392.31; BRAVE THE SHAVE - 200.00; BURLEIGH COUNTY - 63,875.56; D.L.ENTERPRISE CONSTRUCT - 0.00; FIDRAM/ANDY - 245.83; HUB INTERNATIONAL OF ND - 488.00; KRONOS SAASHR, INC - 1,846.40; MANDAN PARK BOARD - 125,143.70; PRESORT PLUS - 2,338.42; TWIN CITY ROOFING INC - 1,785.00; VAULT1440, LLC - 5,850.00; MONTANA-DAKOTA UTILITIES - 38,258.00; ND PERS - 148,610.12; ADVANCED ENGINEERING SVC - 246.50; AT & T - 782.71; BERAETH/DOROTHY - 47.90; BJORND AHL/DAVID - 336.00; BOBCAT OF MANDAN INC - 190,650.10; BOWERS EXCAVATING, LLC - 2,852.16; BRANDOZ CONCRETE INC - 12,880.77; CENTURYLINK - 4,336.96; FORT DEARBORN LIFE - 2,394.81; KINETIC LEASING, INC - 86,924.00; MIDWEST DRAGLINE - 3,100.00; NORDY HOME IMPROVEMENT - 2.60; PORTSCHELLER/BEAU - 3,250.00; RAZOR TRACKING INC. - 450.00; SCHLOSSER EXCAVATING INC - 3,500.00; SDAAO TREASURER - 175.00; THREE-D SPECIALITIES INC - 890.00; NORTHERN LIGHTS COUNCIL - 600.00; WELLS FARGO COMMERCIAL C - 194,838.03; MONTANA-DAKOTA UTILITIES - 19,841.67; WEST FARGO EXPLORER POST - 20.00; ADVANCED ENGINEERING SVC - 89,242.93; ARMSTRONG SANIT & ROLL O - 84,995.39; BALABAN LAW OFFICE - 2,000.00; BANK OF NORTH DAKOTA - 153,584.95; BEAVER CREEK TREE SERVIC - 1,500.00; BIS-MAN CONVTN & VISITOR - 4,892.00; BIS-MDN TRANSIT BOARD - 378.15; BRANDOZ CONCRETE INC - 10,342.81; BROOKE/PATRICK - 250.00; BURLEIGH-MORTON DETENTIO - 3,869.60; CENTRAL DAKOTA FRONTIER - 556.00; CENTURYLINK - 1,764.42; CIP CONSTRUCTION

TECH. I - 39,134.00; CITY AIR MECHANICAL INC - 630.00; COMPANION LIFE - 10.00; CORE & MAIN - 18,540.00; CROWLEY FLECK PLLP - 7,605.00; CUSTER DISTRICT HEALTH U - 1,119.00; DAKOTA MEDIA ACCESS - 10,998.00; DAKOTA PROMOTIONS & PRIN - 20.00; DAKOTA'S BEST COFFEE - 54.00; FETZER ELECTRIC, LLC - 1,899.85; GLASS/THOMAS J. - 2,000.00; GREAT NORTHERN ENVIRONME - 525.74; GUITAR LOTS LLC - 378.13; HUB INTERNATIONAL OF ND - 261.00; ICON ARCHITECTURAL GROUP - 11,950.10; INFORMATION TECHNOLOGY D - 2,072.10; INTERGOVERNMENTAL SHOP - 12,529.22; KADRMAS, LEE & JACKSON, - 269.87; KELSCH KELSCH RUFF & KRA - 4,000.00; KRONOS SAASHR, INC - 2,129.12; MALARD/DENICA - 357.23; MANDAN AIRPORT AUTHORITY - 751.01; MANDAN MUNICIPAL COURT - 5,000.00; MANDAN PARK BOARD - 2,000.00; MANDAN PROGRESS ORGANIZA - 380.00; MISSOURI VALLEY PETROLEU - 16,178.16; MISSOURI WEST WATER SYST - 53.78; MONTANA-DAKOTA UTILITIES - 780.87; MOORE ENGINEERING, INC - 86,946.88; MORTON COUNTY AUDITOR - 14,057.69; MORTON COUNTY RECORDER - 20.00; MORTON MANDAN PUBLIC LIB - 19,216.86; MUNICIPAL CODE CORPORATI - 504.00; MY GOV, LLC - 960.00; ND DEPT OF TRANSPORTATIO - 3,455.74; ND HEALTH DEPT CHEMISTRY - 32.96; ND HEALTH DEPT MICRO DIV - 400.00; NISC - 297.00; ONE CALL CONCEPT INC - 356.70; PRESORT PLUS - 4,663.92; SCHLOSSER EXCAVATING INC - 1,800.00; SDAAO - 475.00; SEVERIN, RINGSACK & MORRO - 100.00; SHOEZAM SHOES - 492.50; SOUTH CENTRAL CRIME CONF - 0.00; SURE SHRED - 107.25; T & R CONTRACTING, INC - 4,705.00; T-MOBILE USA, INC - 150.00; TWIN CITY ROOFING INC - 190.00;

2. *Consider approval of the following abatement requests: (i) Reduction in value to the property at 1701 27th St. NW owned by Berreth Properties LLC; (ii) Correction to the 2017 & 2018 assessed value for property at 1904 Ridge Dr. SE owned by Matthew & Leslie Wenger.*
3. *Consider approval of annual liquor licenses for July 1, 2019 to June 30, 2020.*
4. *Consider approval of the following Special Event Permit Applications: (i) Stage Stop Saloon Beer Garden on June 28 & 29, 2019; (ii) Mandan Moose Club Tractor Trek Show street closure on June 29, 2019.*
5. *Consider approval of annual site authorization for Cystic Fibrosis Association from July 1, 2019 to June 30, 2020: (i) Stage Stop; (ii) Colonial Lounge.*
6. *Consider approval of Minor Plat of Replat of Lots 16 & 17, Block 1, Lakewood Harbor Second Addition.*
7. *Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2019-2021 biennium.*
8. *Consider approval of a charity raffle permit for Messiah Lutheran Church from July 1, 2019 to August 20, 2019.*
9. *Consider approval of JAG grant application for Dakota Children's Advocacy Center to partially fund a forensic interviewer.*
10. *Consider approval to proceed with plans to have building repairs done to the West end of the library building.*

Commissioner Braun moved to approve the Consent Agenda as presented. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Introduction of summer intern, Tatenda Dzvokora.* Planning & Engineering Director Froseth introduced Tatenda Dzvokora who will be the Engineering Department's 2019 summer intern. He is a student at NDSU in his senior year majoring in Civil Engineering and he is originally from Bismarck. Mayor Helbling extended a welcome to Tatenda.

2. *Consider approval of an appointment to the Community Beautification Committee.* City Administrator Neubauer presented a request for approval of the appointment to a vacant position on the Community Beautification Committee for an unexpired term ending December 31, 2020. The criteria includes that the candidates should be property owners or representatives of property owners in the City of Mandan. Representation is sought from both residents and businesses. Terms are for three years and this vacant position's term ends December 31, 2020. Letters of interest were sought through an April news release with a requested deadline for responses of May 31, 2019 or until the position is filled. He said that the vacant term was held by Kelsey (Kolars) Huber and there was only one letter of interest submitted by Maria Walen, Comfort Inn, Mandan. The Community Beautification Committee unanimously recommended that Ms. Walen be appointed to fill the vacant position for the unexpired term ending December 31, 2020.

Commissioner Braun moved to approve appointing Maria Walen to the Community Beautification Committee for the unexpired term ending December 31, 2020. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

On behalf of the City of Mandan, Commissioner Larson extended a thank you to Maria Walen for her participation in the community.

3. *Consider approval of K & K Ressler LLC Exemption Application 3801 Memorial Hwy.* City Assessor Markley presented an application for the request for a 3-year exemption for construction of an addition to a structure pursuant to North Dakota Century Code 57-02.2. She said that K & K Ressler LLC is applying for a 3-year exemption for the construction of a 1200 sq. ft. addition to the structure located at 3801 Memorial Highway. The 30' x 40' addition will be constructed on the south side of the building and will consist of four offices and a conference room. She recommended approval of the request for exemption as presented.

Commissioner Larson moved to approve the 3-year tax exemption for the construction of a 1200 sq. ft. addition to the structure located at 3801 Memorial Highway. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider approving the issuance of a Request for Qualifications (RFQ) for architectural services for the Morton Mandan Public Library and downtown parks project.* City Administrator Neubauer presented a request for approval for qualifications for architectural services for the

Morton Mandan Public Library and downtown parks project. He explained that the recent Energy Transfer donation of \$3 million for improvements to the library, Dykshoorn Park and Heritage Plaza will require retaining architectural services. Of the donation, \$1.5 million has already been received and \$1.5 will be received in 2020. He reviewed an RFQ that outlined the project for constructing a new facility near the library that will house an area for the bookmobile and accommodate portable equipment used for community events and other project components. A Timeline of Events was presented starting with the advertising for proposals scheduled for June 21, 2019 running through January 29, 2020 when the Bid Opening will be held.

Administrator Neubauer recommended approving the issuance of the RFQ as presented. He said that there are immediate repairs needed at the Library right now and those repairs will need to be addressed as outlined and cannot wait until this project begins.

Commissioner Davis moved to approve the issuance of a Request for Qualifications for architectural services for the Morton Mandan Public Library and downtown parks project. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider advertisement of Request for Proposal for Mid-Town East Street Improvement District #215.* Planning & Engineering Director Froseth presented a request for the approval of advertising for a Request for Proposals (RFP) for the Mid-Town East Street Improvement District, #215 project. He said that the Planning and Engineering Department recognizes a backlog in local street project needs. He said that with utilization of Prairie Dog funds, there is an opportunity to be more aggressive in addressing those needs by allocating a percentage of those funds towards the local streets similar to the allocation that was approved for the Southside Street Improvement District. In order to move forward on one of those districts that presents challenges the Engineering Department recommends advertising this RFP to start a selection process for a consulting engineer to lead the design of this district. He said this particular area was chosen because of the poor condition of many roadways within the city and the natural progression to the west from SID 199. It is approximately sized for a project that multiple local contractors could handle within one construction season and with an estimate of costs to be \$5 million. This request is to advertise for a consultant to put this project design together. The project timeline will be similar to the one for the South Side project in 2019 in order to bid the project in the spring of 2020. Director Froseth recommended approval of this request. Commissioner Larson inquired if storm water is part of this project. Director Froseth stated that storm water will be part of the RFP.

Commissioner Larson moved to approve the advertisement of the Request for Proposal (RFP) for the Mid-Town East Street Improvement District #215. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider ad for bids for pipe replacement project using pipe bursting technique.* Planning & Engineering Director Froseth presented a request to approve advertising for bids for a water main pipe bursting project in the northwest part of the City and the water main is primarily located near Custer Drive in Northwest Mandan. This has been a long standing

problem area where frequency of breaks out paces the average in other areas of the City. City staff has identified this area as rising in priority to replace the water main. The traditional method of open cut and installing in the trench is still being considered, however, a preliminary look at estimates indicates that the trenchless method of pipe bursting may be the most cost effective way to replace this stretch, primarily since the roadway is not in need of reconstruction. The City Engineering office has plans drafted for this pipe bursting project and if approved the plan is to receive sealed bids on July 12, 2019. City staff will compare the low bid with the change order price that our Southside contractor is working on to open cut install. Director Froseth recommended approval of the request as presented.

Commissioner Rohr moved to approve the advertisement for bid for the Custer Drive Water main Pipe Bursting project, #2019-06. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Mayor Helbling reported that calls have been received regarding the break ups in pavement in the area by Old Red Trail and the school stating that the city is working on improvements in that area too. A construction project is expected to be brought to the Commission during the 2020 season.

7. *Consider acceptance of Transportation Alternatives grant award for Phase II of 19th Street Trail.* Planning & Engineering Director Froseth presented a request to accept the Transportation Alternatives (TA) Grant for the 19th Street Southeast Trail, Phase II project and commit to providing local funds. He said that all three entities, the Park and Recreation Department, the Mandan School District and the City of Mandan have heard concerns from residents about the absence of a trail and safe crossing from neighborhoods along 19th Street to the west of Ft. Lincoln School. In response, City staff has submitted a request for a TA grant first for Phase I which will be constructed this summer to install the trail from the end of the Ft. Lincoln school to the west and Macedonia Drive. It includes a push button activated crossing at Ridge Drive Southeast for pedestrians to cross 19th Street.

Director Froseth said that with regard to the Phase I, late last year his office submitted another TA grant for Phase II which picks up where Phase I leaves off and extends the trail to Highway 6 to the west where the project would end. Last month, the DOT notified the city that the Phase II application was successful at the maximum amount awarded for any one project \$290,000. The DOT's acceptance letter asked for notification by June 14, 2019 however the City was granted an extension to this deadline to facilitate the June 18, 2019 City Commission meeting. The DOT's notification letter indicated this would be a 2021 construction project.

The Phase II project is much more extensive and therefore the local cost share is much more than for Phase I. Instead of being able to split the local share three ways and avoid special assessments for this phase the City Engineering Department is recommending a special assessment district for the local share to be spread among benefitting properties. The Planning and Engineering Department held a meeting in May 2018 to relay basic information as a potential project at that time while soliciting feedback from affected residents. At that time the assumption was that the City would not receive grant help for this project and the average per property special assessment amounts were estimated between \$327 and \$654 total. Now with the

grant help, the new average per property special assessment estimate has been reduced to be between \$163 and \$326. More details will be presented later on a special assessment district set up for this project. Director Froseth recommended accepting the Transportation Alternatives Grant for the 19th Street Southeast project with the commitment to pay for the local share amount by local special assessments. The grant is for construction year 2021.

Commissioner Davis moved to approve accepting the Transportation Alternatives Grant for the 19th Street Southeast project with the commitment to pay for the local share amount by local special assessments. Commissioner Braun seconded the motion.

Commissioner Larson inquired if this will come before the Commission again when the special assessment district is formalized? She feels that a public input meeting that occurred one year ago on this is probably not the best information to make a determination on the special assessments. Director Froseth stated that with any district assessments there is requirement that a public hearing be held on that set up.

Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

8. *Consider Encroachment Agreement with Thomas and Moriarty's for Outdoor Seating within the Right-of-Way on 1st Avenue NW.* City Planner Van Dyke presented a request to accept the Encroachment Agreement with Thomas and Moriarty's for outdoor seating. He said that Thomas and Moriarty's is interested in providing outdoor seating to its patrons along 1st Avenue Northwest. He said that City staff and Mandan Architectural Review Committee (MARC) previously reviewed and approved their proposal based on a site drawing and list of materials or the project of which both the site drawing and materials to be used are part of the proposed Encroachment Agreement. A site visit was also conducted to ensure ADA compliance was maintained and site triangles were not obscured.

He explained that the Encroachment Agreement would provide enough space for outdoor tables and chairs and fencing to enclose the area. Occupancy within the right-of-way would be allowed from April 1st through October 31st. Subsequently, materials would have to be removed until the next season. He said that City Attorney Oster is working on an ordinance to outline this process moving forward and it will be presented to City Commission. The Encroachment Agreement contains similar provisions as the proposed ordinance will include. City Planner Van Dyke recommended approval of this request. Mayor Helbling inquired if this has to be done by Ordinance or can it be a written agreement? Planner Van Dyke said that the City can accomplish that via the Encroachment Agreement. Attorney Oster said that the Encroachment Agreement that is being considered will be considered without an ordinance which does not require an ordinance change to approve this request. This can be considered as trial period. Mayor Helbling inquired if the agreement is approved by the Commission will the project move forward? Planner Van Dyke confirmed that upon approval of the Encroachment Agreement by the City Commission the project can move forward.

Commissioner Larson moved to approve the Encroachment Agreement with Thomas and Moriarty's for outdoor seating within the right-of-way on 1st Avenue Northwest as presented in Exhibit 1. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

J. OTHER BUSINESS:

Commissioner Rohr stated that previously the City Commission dealt with a Crematorium Ordinance and it was established that a crematorium would be allowed and located in the City Cemetery. He said that a request has been received by the Planning and Zoning Commission from David Wise to go back and look at that action, Ordinance 1299 – if that would include an area that Mr. Wise is considering, in particular, located in a light industrial area next to the church at 4209 Old Red Trail area. Commissioner Rohr directed City Planner Van Dyke to take Mr. Wise's request back to Planning and Zoning for a review and to report back to the City Commission with his findings and recommendation.

Commissioner Rohr motioned that Planner Van Dyke take the recent request from David Wise to Planning and Zoning Commission for their review and to present recommendations to the City Commission. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:38 p.m. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer
City Administrator

Tim Helbling
President, Board of City Commissioners